

Ohio House Primary and Secondary Education Committee
Testimony of Melanie Elsey
HB 440
June 4, 2024

Chair Manning, Vice Chair Fowler Arthur, Ranking Member Robinson, and members of the House Primary and Secondary Education Committee, thank you for the opportunity to provide testimony in support of HB 440.

My name is Melanie Elsey. I serve as the legislative liaison for Christian Home Educators of Ohio. We began receiving communication from families and Jon Peterson Scholarship providers several months ago regarding the discontinuation of some of the services for special needs students after the conclusion of this school year.

When I began investigating the details of the expressed concerns, this is what I learned:

A communication was sent to Jon Peterson Scholarship providers last fall which stated in part, "Due to the federal declaration on May 11, 2023, ending the pandemic, remote services being provided under the Jon Peterson Scholarship Programs will be discontinued for the 2024-25 school year."

Some students with special needs, who reside in rural districts, do not have local access to special education services. The flexibility provided during the pandemic to access services in a telehealth format prevented academic stagnation / failure. It provided a successful option for struggling students.

This flexibility was provided through an uncodified Section 3 (H) of Am.Sub. S.B.229 of the 134th General Assembly. It stated, in part, that an "individual who holds a valid license issued by a licensing board may, upon request from the student's parent or guardian, provide services, within the scope of practice authorized under the license, by electronic delivery method or telehealth communication to any student participating in the Autism Scholarship Program established under section 3310.41 of the Revised Code or the Jon Peterson Special Needs Scholarship Program established under section 3310.52 of the Revised Code..."

The 134th General Assembly also enacted H.B. 122 which required health care professional licensing boards to allow the provision of telehealth services. In this context these listed healthcare professionals (R.C. 4743.09) were able to

continue to use this flexibility with recipients of the Jon Peterson Scholarships and the Autism Scholarships after we were past the pandemic. But this licensing flexibility did not extend to the individuals licensed by the State Board of Education (i.e. intervention specialists).

HB 440 amends sections 3310.41 and 3310.52 of the Revised Code to permit any service prescribed in a student's IEP to be provided remotely by approved providers in the same manner that telehealth services are permitted under the current provisions of RC 4743.09. This would include, for example, intervention specialists.

As introduced, HB 440 also specifies what type of providers can be approved by the State to serve special needs students under the Jon Peterson Scholarship program. This list includes professionals who have historically been designated as providers, but it also specifically includes "literacy intervention specialists" who are certified through pathways recognized by the Ohio Dyslexia Committee established by RC 3323.25. To date these professionals have had to work under the supervision of a general "intervention specialist," who may have less training. By adding these individuals with expertise in serving students with dyslexia to the list, they will be able to be approved to be providers in their own right.

We respectfully request that you consider approving HB 440 expeditiously as time is running out for students who benefit the most from this type of flexibility in state policy.

I would be happy to answer any questions you may have.